

REMARKS

In response to the Final Office Action mailed June 16, 2008 (hereafter "Office Action"), no claims have been amended, cancelled, or newly added. Accordingly, claims 1 and 3-20 are pending.

Reconsideration and allowance of the application based on the following remarks are requested.

Rejection under 35 U.S.C. § 102(b)

Claims 1 and 3-20 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No.6,558,178 to Hoover *et al.* ("Hoover"). Applicant traverses this rejection for at least the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant submits that Hoover fails to teach a polishing implement for polishing a shoe comprising, *inter alia*, a removable sachet provided on or to be provided on the structure that covers the first polishing layer at least partly, so that only after removal of the sachet, the first polishing layer is completely revealed; and the sachet comprising: a fiber layer impregnated with a polishing product forming a second polishing layer; and a protective layer; wherein, in a closed condition, the second polishing layer is covered by the protective layer, and while, in an opened condition, the second polishing layer is exposed for applying the polishing product to the shoe, as recited in claim 1; or a sachet provided on or to be provided on the structure, the sachet comprising: a fiber layer impregnated with a polishing product forming a second polishing layer; and a protective layer; wherein, in a closed condition, the second polishing layer is covered by the protective layer, and while, in an opened condition, the protective layer is folded back

and the second polishing layer is exposed for applying the polishing product to the shoe, as recited in claim 13. Similarly, Applicant submits that Hoover fails to teach a sachet for a polishing implement comprising, *inter alia*, a fiber layer impregnated with a polishing product forming a polishing layer; and a protective layer, wherein, in a closed condition, the polishing layer is covered by the protective layer, and while, in an opened condition, the protective layer is folded back and the polishing layer is exposed for applying the polishing product to the shoe, as recited in claim 9.

As a preliminary matter, Applicant notes that Hoover teaches a *sanding* glove for sanding a work piece such as wood. [See Hoover, col. 1, lines 6-7]. Moreover, the features of Hoover relied-upon by the Examiner, i.e., sanding pad 208, sandpaper 220, and segments of sandpaper 350, are sanding implements which are wholly inappropriate for polishing shoes. Indeed, sanding and polishing shoes are materially different processes. Applicant submits that sanding shoes would scuff, mar and/or scratch the shoe material rendering the shoe unattractive. By contrast, applying the polishing product to the shoe is used for making the shoes look “new” and more aesthetically pleasing. For at least these reasons, Applicant submits that one skilled in the art would not consider the *sanding glove* of Hoover a polishing implement for polishing a shoe.¹

Notwithstanding this deficiency, Hoover fails to teach a *fiber layer impregnated with a polishing product for applying the polishing product to the shoe*. For example, Hoover makes no mention or suggestion of polishing product, much less impregnating the glove 100 with a polishing product.

In addition, assuming *arguendo* that the conversion pad 300 having sandpaper segments 350 might be considered a sachet (which Applicant does not concede), Hoover also fails to teach that, only after removal of the sachet, a first polishing layer is completely revealed, as recited by claim 1. Further, Applicant submits that Hoover fails

¹ The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

to teach a sachet having a protective cover, that in an opened condition, the protective layer is folded back to expose a polishing layer, as recited in claims 9 and 13.

Accordingly, the rejections of claims 1, 9 and 13 are improper and should be withdrawn. Dependent claims 3-20 are patentable because they depend from claims 1, 9 and 13, respectively, for at least the reasons discussed above related to claims 1, 9 and 13, as well as for the additional features they recite.

In addition, the Office Action has failed to show that Hoover teaches "... wherein the polishing implement comprises *an impermeable layer* to which the sachet is attached to the structure, the impermeable layer having a surface greater than the sachet," as recited in claims 3 and 15.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account

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Respectfully submitted,

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